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Inchcape Shipping Services Guam LLC

FILED
DISTRICT COURT OF GUAM
NOV 21 2006 
MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARWAN SHIPPING & TRADING CO.,
FIVE SEAS SHIPPING CO., LLC, and S.J.
GARGRAVE SYNDICATE 2724, *in*
personam,

Defendants.

AND CROSS-CLAIMS, COUNTERCLAIM
AND CLAIM IN INTERVENTION.

CIVIL CASE NO. CIV06-00011

**NOTICE OF NON-OPPOSITION TO
INCHCAPE SHIPPING SERVICES
GUAM LLC'S MOTION FOR LEAVE
TO AMEND COMPLAINT IN
INTERVENTION; DECLARATION OF
DAVID LEDGER; DECLARATION OF
SERVICE**


On November 13, 2006 Inchcape filed its (non-hearing) Motion for Leave to File an Amended Complaint. As noted in the Motion, while certain parties were able to stipulate to the amendment, Marwan and Five Seas Shipping were unable to so stipulate. Accordingly, Inchcape filed its motion. As provided by LR 7.1(d)(2), a written opposition to the Motion is due fourteen (14) days after filing, or November 27, 2006.

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However, there is no need to wait until after November 27, 2006 to grant Inchcape's Motion. On November 20, 2006 lead counsel for Marwan and Five Seas informed Inchcape, through counsel, that Marwan and Five Seas would not be filing an opposition to Inchcape's motion. Ledger Decl. at Paragraph 4. Accordingly, Inchcape hereby respectfully requests the Court to forthwith enter an Order (to be electronically submitted contemporaneously with the instant pleading). Inchcape desires to file the amended complaint as quickly as possible in order to commence the lengthy process of international service of process on the parties named in the amended complaint.

DATED: Hagåtña, Guam, November 21, 2006.

CARLSMITH BALL LLP



DAVID LEDGER
ELYZE J. MCDONALD
Attorneys for Plaintiff-in-Intervention
Inchcape Shipping Services Guam LLC

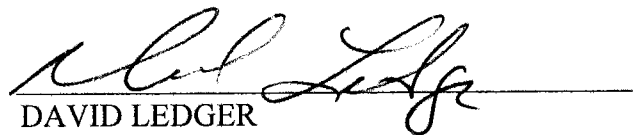
DECLARATION OF DAVID LEDGER

I, DAVID LEDGER, pursuant to 28 U.S.C Section 1746, declare under penalty of perjury that the following statements are true and correct:

1. I have personal knowledge of the facts stated in this Declaration except as otherwise indicated.
2. I would testify competently as to these facts if called by the Court.
3. I am an Attorney for Plaintiff-in-Intervention Inchcape Shipping Services Guam LLC.
4. On November 20, 2006 lead Counsel for Marwan Shipping & Trading Co. and Five Seas Shipping Co., LLC informed me that neither Marwan nor Five Seas will file an opposition to Inchcape's Motion for Leave to Amend Complaint in Intervention.
5. As noted in Inchcape's moving papers, the other remaining parties to the action informed Inchcape that they would have stipulated to the amended complaint and accordingly have no opposition to the motion.

I declare under penalty of perjury that the foregoing is true, correct and complete.

Executed this 21st day of November 2006 at Hagåtña, Guam.


DAVID LEDGER

DECLARATION OF SERVICE

I, David Ledger, hereby declare under penalty of perjury of the laws of the United States, that on November 21, 2006, I will cause to be served, via hand delivery, a true and correct copy of the NOTICE OF NON-OPPOSITION TO INCHCAPE SHIPPING SERVICES GUAM LLC'S MOTION FOR LEAVE TO AMEND COMPLAINT IN INTERVENTION; DECLARATION OF DAVID LEDGER; DECLARATION OF SERVICE upon the following:


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and

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DATED: Hagåtña, Guam, November 21, 2006.



DAVID LEDGER